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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/480,731	01/06/2000	JOSEPH GIORDANO III	004444.P003	4667

7590 02/15/2002

PAUL A MENDONSA
BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
12400 WILSHIRE BOULEVARD 7TH FLOOR
LOS ANGELES, CA 90025

EXAMINER

RICE, KENNETH R

ART UNIT	PAPER NUMBER
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2167

DATE MAILED: 02/15/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/480,731

Applicant(s)
Giordano

Examiner
Kenneth R. Rice

Group Art Unit
2167

--The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address--

Period for Response

A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE 3 MONTHS FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period of response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on 12/31/01.
- ☒ This action is FINAL.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-20 is/are pending in the application.
Of the above, claim(s) is/are withdrawn from consideration.
- ☐ Claim(s) is/are allowed.
- ☒ Claim(s) 1-20 is/are rejected.
- ☐ Claim(s) is/are objected to.
- ☐ Claims are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsman's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Status of Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
 - ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
 - ☐ received in Application No. .
 - ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- *Certified copies not received: .

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449
- ☐ Notice of References Cited, PTO-892
- ☐ Notice of Draftsman's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other

Office Action Summary

PART III: REASONS FOR REJECTIONS AND OBJECTIONS

The following is a quotation of the appropriate paragraphs of 35 USC 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-20 rejected under 35 USC 102(b) as being clearly anticipated by Gombrich et al.

Applicant's arguments filed December 31, 2001, have been fully considered but they are not deemed to be persuasive. Applicant has misstated the rejection, stating that the claims are rejected under 35 USC 102(b) as being anticipated by Gombrich et al. This is not the case. The claims are rejected under 35 USC 102(b) as being clearly anticipated by Gombrich et al (emphasis added). There is difference between the two statements. It has been Patent Office practice over the past several decades (if not longer) that a reference which clearly anticipates the claims needs no further explanation.

However, as a courtesy and consideration to the applicant, a mapping of claim 1 onto the reference is provided below. The remaining claims can be similarly mapped onto the reference.

Claim 1:

Gombrich et al.

A method comprising:

providing access to a set of products available for electronic ordering;

Column 14, lines 40-45: After a physician writes a prescription prescribing a drug treatment for the patient, a secretary or other staff person will access from a terminal 45a a drug data file stored in the computer system 42 to display at the terminal 45a the list of drugs after scanning the patient identifier bar code 51 on the patient's chart.

monitoring products ordered by a user;

Column 14, lines 45-47: The staff person will then enter each scanned drug's dosage and frequency of administration via the terminal 45b.

and providing, automatically, to the user access to a list of products previously ordered.

Column 16, lines 49-57: Additionally, the bar code reading device will preferably store a record of the most recently administered PRN or other controlled drug administered to control pain or the like and the times they were administered. This eliminates the need to track down the patient's records, which is an important benefit in times of emergency. In addition, scrolling keys might be provided to enable scrolling of the data.

and column 17, lines 30-33: Whenever a drug or any other item is dispensed to a patient, the computer system 42 will automatically record such an occurrence in a patient billing file, identifying all items which are to be billed to the patient.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 CFR 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth Rice at (703) 308-3495. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist at (703) 305-3900.

A handwritten signature in black ink, appearing to read 'Kenneth R. Rice', with the date '2/14/02' written below it.

Kenneth R. Rice
Primary Examiner
Art Unit 2167